

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF

TUESDAY, MAY 19, 1987

AT 9:00 A.M.

IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor O'Connor at 10:13 a.m. The meeting was recessed by Mayor O'Connor at 12:39 p.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Mayor O'Connor at 2:17 p.m. with Council Members Cleator, Jones, McCarty and Ballesteros not present. Chairperson Struiksma adjourned the meeting at 6:00 p.m.

ATTENDANCE DURING THE MEETING:

- (M) Mayor O'Connor-present
 - (1) Council Member Wolfsheimer-present
 - (2) Council Member Cleator-present
 - (3) Council Member McColl-present
 - (4) Council Member Jones-not present
 - (5) Council Member Struiksma-present
 - (6) Council Member Gotch-present
 - (7) Council Member McCarty-present
 - (8) Council Member Ballesteros-not present
- Clerk-Abdelnour (mp;jb)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor O'Connor-present
- (1) Council Member Wolfsheimer-present
- (2) Council Member Cleator-present
- (3) Council Member McColl-present
- (4) Council Member Jones-not present
- (5) Council Member Struiksma-present
- (6) Council Member Gotch-present
- (7) Council Member McCarty-present
- (8) Council Member Ballesteros-not present

ITEM-310: (R-87-2193) ADOPTED AS RESOLUTION R-268359

Declaring May 19, 1987 to be Don Diego VFW Post 7420 Day in San Diego.

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FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A062-087.)

MOTION BY CLEATOR TO ADOPT. Second by McColl. Passed by the following vote: Wolfsheimer-yea, Cleator-yea, McColl-yea, Jones-not present, Struiksma-yea, Gotch-yea, McCarty-yea, Ballesteros-not present, Mayor O'Connor-yea.

ITEM-330:

Three actions relative to the Facilities Benefit Assessment Policy:

Subitem-A: (R-87-2267) ADOPTED AS RESOLUTION R-268360

Adoption of a Resolution adopting Council Policy No. 600-36 regarding methods of payment for facilities benefit assessment districts and related procedures.

Subitem-B: (O-87-204) CONTINUED TO JUNE 22, 1987, 9:00 A.M.

Introduction of an Interim Development Control Ordinance to deal with: (1) Growth limitations City-wide as well as in specific community plan areas; (2) Limitations on the issuance of building permits and development approvals; and (3) Development fees and the establishment of adequate public facility thresholds for capital facilities in planned and planned urbanizing areas.

Subitem-C: (O-87-) CONTINUED TO JUNE 22, 1987, 9:00 A.M.

Adoption of a City-wide Emergency Ordinance restricting the issuance of building permits on a City-wide basis.

FILE LOCATION:

Subitem-A: MEET;

Subitem-B,C: --

COUNCIL ACTION: (Tape location: A152-D284.)

Hearing began at 10:26 a.m. and halted at 12:59 p.m.

Testimony in favor by Lynn Benn, Bob Glaser, and Gary Webber.

Testimony in opposition by Dan Pegg, Lee Grissom, Jim Schmidt, Mike Reynolds, and Mark Nelson.

MOTION BY McCARTY TO REFER SUBITEM-B, SUBITEM-C, AND ANY OTHER IDEAS TO THE PLANNING COMMISSION AND THE CITIZENS ADVISORY COMMITTEE OF THE GROWTH MANAGEMENT TASK FORCE FOR A HEARING,

AND

TO BRING THEM BACK TO COUNCIL ON JUNE 22, 1987, 9:00 A.M.

Second by Struiksma. Passed by the following vote:

Wolfsheimer-yea, Cleator-yea, McColl-yea, Jones-not present, Struiksma-yea, Gotch-yea, McCarty-yea, Ballesteros-not present, Mayor O'Connor-yea.

MOTION BY McCARTY TO REFER SUBITEM-A ALONG WITH SUBITEM-B, AND SUBITEM-C. Second by Cleator. Failed by the following vote:

Wolfsheimer-nay, Cleator-yea, McColl-nay, Jones-not present, Struiksma-yea, Gotch-yea, McCarty-yea, Ballesteros-not present, Mayor O'Connor-nay.

MOTION BY WOLFSHEIMER TO ADOPT SUBITEM-A. Second by Gotch.

Passed by the following vote: Wolfsheimer-yea, Cleator-nay, McColl-yea, Jones-not present, Struiksma-yea, Gotch-yea, McCarty-yea, Ballesteros-not present, Mayor O'Connor-yea.

ITEM-331:

Two actions relative to the Genesee Avenue (Linda Vista Road to Highway 163) Underground Utility District:
(Linda Vista Community Area. District-5.)

Subitem-A: (R-87-1833) ADOPTED AS RESOLUTION R-268361

Establishing an Underground Utility District to be known and denominated as the Genesee Avenue (Linda Vista Road to Highway 163) Underground Utility District.

Subitem-B: (R-87-1834) ADOPTED AS RESOLUTION R-268362

Authorizing the expenditure of an amount not to exceed \$3,500 from CIP-37-028, Federal Revenue Sharing Fund 18014, for the purpose of administering the Genesee Avenue (Linda Vista Road to Highway 163) Underground Utility District, minor City force work and other related work.

CITY MANAGER REPORT: The proposed district will underground the overhead utility facilities on Genesee Avenue between Linda Vista Road and Highway 163. This is a scheduled project in the calendar year 1988 Capital Improvements Program. The formation of this district will require the affected property owners to underground the portion of their utilities on their parcel prior to removal of the overhead utilities. The total number of affected properties in this district is 16, of which 12 are single-family residential properties, and 4 are commercial or multi-family properties. A typical cost range for a licensed contractor to perform this conversion work on residential private property is \$600 to \$1,100. Conversion costs on commercial properties may vary from \$600 to several thousand dollars or more due to differences in service size and location. Council Policy 800-2 provides for the use of San Diego Gas and Electric Company's Annual Allocation Funds (Case 8209) to make reimbursement payments to affected property owners based on the length of their electrical service trench. A future resolution will establish the date for removal of overhead utilities as the undergrounding work approaches completion.

Aud. Cert. 8700707.

FILE LOCATION: STRT K-173

COUNCIL ACTION: (Tape location: E049-056.)

Hearing began at 2:21 p.m. and halted at 2:22 p.m.

MOTION BY STRUIKSMA TO CLOSE THE HEARING AND ADOPT. Second by Gotch. Passed by the following vote: Wolfsheimer-yea, Cleator-not present, McColl-yea, Jones-not present, Struiksma-yea, Gotch-yea, McCarty-not present, Ballesteros-not present, Mayor O'Connor-yea.

ITEM-332: (R-87-1898) ADOPTED AS RESOLUTION R-268363

Considering the protests, approving the map, and establishing the Calle Cristobal Landscape Maintenance District.

(Mira Mesa Community Area. District-5.)

CITY MANAGER REPORT: The proposed Calle Cristobal Landscape Maintenance District is located in the northwest section of the

Mira Mesa Community. The purpose of the proposed district is to provide maintenance of landscaped medians, streetscapes, and the street side of the sound attenuator wall. Both the landscape improvements and the landscape maintenance district are subdivision requirements of the Mirador Park and Canyon Country Planned Residential Development currently under construction. While no assessments are proposed at this time, it is anticipated that future annual assessments will be in the range of \$40 per dwelling unit.

FILE LOCATION: STRT M-137

COUNCIL ACTION: (Tape location: E057-083.)

Hearing began at 2:22 p.m. and halted at 2:24 p.m.

MOTION BY STRUIKSMA TO CLOSE THE HEARING AND ADOPT. Second by Gotch. Passed by the following vote: Wolfsheimer-yea, Cleator-yea, McColl-yea, Jones-not present, Struiksma-yea, Gotch-yea, McCarty-not present, Ballesteros-not present, Mayor O'Connor-yea.

ITEM-333:

Matter of the appeals of Sandra L. Durbin, et al, from the decision of the Planning Commission in granting Mid-City Development Permit MCD-86-0887 (Kensington Park Garden Apartments), proposing to construct 138 attached units. The subject 2.56-acres is located on the west side of 44th Street, east of Fairmount Avenue and north of Meade Avenue, in Zones MR-1000B and CN-1, in the Mid-City Community Plan area, and is further described as Lots 1-7, Block 2, Orangewood Map-1293, and a portion of Lot 50, Block M, Teralta Map-265.
(MCD-86-0887. District-3.)

19870519

Subitem-A: (R-87-2468) ADOPTED AS RESOLUTION R-268364

Adoption of a Resolution certifying that the information contained in Environmental Negative Declaration END-86-0887 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said declaration has been reviewed and considered by the Council.

Subitem-B: (R-87-2469) ADOPTED AS RESOLUTION R-268365,
DENIED APPEAL, GRANTED PERMIT AS
AMENDED

Adoption of a Resolution granting the appeals and denying
the permit or denying the appeals and granting the permit
with appropriate findings to support Council action.

FILE LOCATION: PERM MCD-86-0887

COUNCIL ACTION: (Tape location: E096-F560.)

Hearing began at 2:26 p.m. and halted at 3:38 p.m.

Hearing in favor of the appeal by Dennis Michel, Barbara
Weitzen, Jack McChesney, Harriet Ritter and Sandra Durbin.

Testimony in opposition to the appeal by Jim Dawe, Harry Grogin
and Gary Webber.

MOTION BY McCOLL TO CLOSE THE HEARING, ADOPT SUBITEM A AND
SUBITEM B, DENYING THE APPEAL AND GRANTING THE PERMIT AS AMENDED
ON THE CONDITION THAT THE DEVELOPER DEPOSITS \$600 PER UNIT TO
THE MID-CITY IMPACT FEE FUND, INCLUDE 260 OFF-SITE PARKING
SPACES AND ENHANCED LANDSCAPING. Second by Cleator. Passed by
the following vote: Wolfsheimer-yea, Cleator-yea, McColl-yea,
Jones-not present, Struiksma-yea, Gotch-yea, McCarty-yea,
Ballesteros-not present, Mayor O'Connor-yea.

ITEM-334: (R-87-2727) ADOPTED AS RESOLUTION R-268366, DENIED
APPEAL, GRANTED PERMIT

19870519

Matter of the appeal of Judith Brucker, from the decision
of the Board of Zoning Appeals in approving with an added
condition, Conditional Use Permit CUP-19360, proposing
construction of a detached guest house on a lot with a
single-family dwelling where such use is permitted by
Conditional Use Permit only. The subject property is
described as portion of Lot 1, Metcalf Terrace, Map-3443,
COC 86-0721, and is located at 6388 La Jolla Scenic Drive,
in Zone R1-20000, in the La Jolla Community Plan area.
(CUP-19360. District-1.)

Adoption of a Resolution granting the appeal and denying

the permit or denying the appeal and granting the permit
with appropriate findings to support Council action.

FILE LOCATION: ZONE - Zoning Appeals Case CUP-19360

COUNCIL ACTION: (Tape location: F561-H060.)

Hearing began at 3:40 p.m. and halted at 4:25 p.m.

Testimony in favor of the appeal by Kenneth Unruh, Trisha Smith,
Judith Eaber and Robert Whittmore.

Testimony in opposition by Donald Worley and Don Eden.

MOTION BY WOLFSHEIMER TO CLOSE THE HEARING, DENY THE APPEAL AND
GRANT THE PERMIT. Second by Gotch. Passed by the following
vote: Wolfsheimer-yea, Cleator-yea, McColl-yea, Jones-not
present, Struiksma-yea, Gotch-yea, McCarty-yea, Ballesteros-not
present, Mayor O'Connor-yea.

ITEM-335:

(Continued from the meeting of April 28, 1987, Item 330, at
Donald R. Worley's request, to allow his client to be
present for Council discussion.)

Appeal of Mr. and Mrs. Dennis Sonner, by Donald R. Worley,
Esq., from the decision of the Planning Commission in
denying Tentative Map TM-85-0695 (Sonner Parcel Map), for a
land division proposing to subdivide a 0.81-acre site into
two lots for a residential development. The subject
property is located on the west side of San Gorgonio
Street, between Kellogg Street and Navy property. The
subject property is further described as Lot 2 of
Christopher Heights, Map-3409, in Zone R1-10000, in the
Peninsula Community Plan area.
(TM-85-0695. District-2.)

19870519

Subitem-A: (R-87-) FILED DUE TO DENIAL OF THE APPEAL

Adoption of a Resolution certifying that the information
contained in Environmental Negative Declaration END-85-0695
has been completed in compliance with the California
Environmental Quality Act of 1970 and State guidelines, and
that said declaration has been reviewed and considered by
the Council.

Subitem-B: (R-87-2480) ADOPTED AS RESOLUTION R-268367,
DENIED APPEAL AND MAP

Adoption of a Resolution granting or denying the appeal and
the map with appropriate findings to support Council
action.

FILE LOCATION: SUBD - Sonner Parcel Map

COUNCIL ACTION: (Tape location: H061-465.)

Hearing began at 4:26 p.m. and halted at 4:54 p.m.

Testimony in favor of the appeal by Donald Worley.

Testimony in opposition to the appeal by James Milch and Lois
Rhodes.

MOTION BY CLEATOR TO CLOSE THE HEARING, DENY THE APPEAL AND THE
MAP. Second by Gotch. Passed by the following vote:

Wolfsheimer-yea, Cleator-yea, McColl-yea, Jones-not present,
Struiksma-yea, Gotch-yea, McCarty-yea, Ballesteros-not present,
Mayor O'Connor-yea.

ITEM-336: (R-87-1827 Alt.1) TRAILED AS UNFINISHED BUSINESS TO
MAY 26, 1987, A.M.

(Continued from the meetings of March 24, 1987, Item 202,
and April 28, 1987, Item 333; last continued at Council
Member Struiksma's request for proper noticing of the
Alternate Resolution.)

Directing the Subdivision Board and the Planning Commission
when reviewing tentative subdivision maps within the Rancho
Penasquitos Community Plan area, to provide that the
effective date of approval of a tentative map shall be the
date of approval by the City Council of the updated
Penasquitos East Community Plan, which is presently in the
Planning Department work program; declaring that until the
Penasquitos East Community Plan update has been reviewed
and approved by the City Council, no developments within
the community plan area shall be approved if the dwelling
unit density of the project exceeds the midrange of the
density identified in the community plan for the area in
which the proposed development is located.

(See the letters from Pat Recame, Secretary of the Rancho
De Los Penasquitos Planning Board dated 2/26/87 and
2/23/87. Penasquitos East Community Area. District-1.)

FILE LOCATION: LAND - Rancho Penasquitos Community Plan

COUNCIL ACTION: (Tape location: I121-J200.)

Hearing began at 5:11 p.m. and halted at 6:00 p.m.

Council Member Gotch left at 5:40 p.m.

Council Member Wolfsheimer left at 5:59 p.m.

Testimony in favor by Kathleen Zaworski-Burke, Alan Dickey, Pat Recame and Lynn Benn.

Testimony in opposition by Alan Perry and Ed Gabrielson.

Motion by McColl to suspend the rules and extend the time past 5:30 p.m. Second by Wolfsheimer. Passed: Yeas-1,2,3,5,6,7.

Not present-4,8,M.

MOTION BY WOLFSHEIMER TO APPROVE THE RESOLUTION SUBJECT TO THE ADOPTION AND IMPLEMENTATION OF THE IDO (INTERIM DEVELOPMENT ORDINANCE) OR THE UPDATE OF THE COMMUNITY PLAN. No Second.

ITEM-337: (R-87-2024) TRAILED AS UNFINISHED BUSINESS TO MAY 26, 1987

FINDINGS MUST BE MADE AS A PART OF COUNCIL ADOPTION

Determining and declaring that the public interest, convenience and necessity of the City of San Diego requires the development and completion of the Mission Trails Regional Park Open Space Project and that the public interest, convenience and necessity demand the acquisition of fee title to the Mission Trails Regional Park Open Space Project; declaring the intention of the City to acquire said property under eminent domain proceedings; directing the City Attorney to commence an action in the Superior Court of the State of California, in and for the County of San Diego, for the purpose of condemning and acquiring said property.

(See City Manager Report CMR-87-222. Located on the northern boundary of Mission Trails Regional Park. Mission Trails Regional Park Community Area. District-7.)

FILE LOCATION: STRT OS-4

COUNCIL ACTION: (Tape location: J200-201.)

**ITEM-338: (R-86-2345 Rev.2) ADOPTED AS AMENDED AS RESOLUTION
R-268368**

(Continued from the meetings of 3/10/87, Item 332 (D), at Council Member Wolfsheimer's request, for a report from the Planning Department; continued from 4/7/87, Item 339, at Council Member Wolfsheimer's request, to allow her to be present for Council discussion; and continued from 4/21/87, Item 331, at Council Member Gotch's request, for full Council.)

Adoption of a Resolution approving the submittal of a request to the California Coastal Commission for a categorical exclusion of specific geographic areas found to have no potential for any significant adverse effect, either individually or cumulatively, on coastal resources or on public access to and along the coast.

FILE LOCATION: LAND - Local Coastal Program

COUNCIL ACTION: (Tape location: H466-I120.)

Hearing began at 4:54 p.m. and halted at 5:10 p.m.

Testimony in favor by Lynn Benn, Lynn Heidel, Robert Whittmore and Nancy Lucast.

MOTION BY GOTCH TO CLOSE THE HEARING AND ADOPT AS AMENDED BY ADOPTING ALTERNATIVE NO. 3 AND MAKE THE FEES RECOVERABLE TO MINIMIZE THE DIRECT GENERAL FUND EXPENDITURE. Second by Wolfsheimer. Passed by the following vote: Wolfsheimer-yea, Cleator-not present, McColl-yea, Jones-not present, Struiksmma-yea, Gotch-yea, McCarty-yea, Ballesteros-not present, Mayor O'Connor-yea.

ITEM-339: TRAILED AS UNFINISHED BUSINESS TO MAY 26, 1987, A.M.

- 1) Rezoning Lot 3, Montadura Center, Map-11564 (approximately 3.6 acres), located on the north side of West Bernardo Court between West Bernardo Drive and Via Tazon, in the Rancho Bernardo Community Plan area, from Zone M-IP to Zone CR.
- 2) An amendment to the Rancho Bernardo Community Plan and the Progress Guide and General Plan to redesignate the 3.6-acre site in the Rancho Bernardo Industrial Park from industrial to specialized commercial. The

amendment is necessary to accommodate a proposal to construct a three-story, 177-unit hotel (Western Sun Suites) on the site.
(Case-86-0630. District-1.)

Subitem-A: (R-87-2056)

Adoption of a Resolution certifying that the information contained in Environmental Negative Declaration END-86-0630 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said declaration has been reviewed and considered by the Council.

Subitem-B: (O-87-191)

Introduction of an Ordinance for CR Zoning.

Subitem-C: (R-87-2079)

Adoption of a Resolution amending the community plan and general plan, to become effective after the next omnibus hearing.

FILE LOCATION: ZONE ORD. NO.

COUNCIL ACTION: (Tape location: J200-201.)

**ITEM-340: (R-87-2726) ADOPTED AS RESOLUTION R-268369, GRANTED
APPEAL AND VARIANCE**

(Continued from the meeting of May 5, 1987, Item 333, at Council Member Struiksma's request, to allow time for the developer and the City Attorney to reach an agreement regarding conditions to the variance.)

Matter of the appeal of Mission Valley, Ltd., by David L. Mulliken of Latham & Watkins, from the decision of the Board of Zoning Appeals in denying a requested variance to construct a one story, two-level parking structure to observe 1) a 16'7" rear yard where 51'0" is required due to an existing 14-story structure on the premises, and 2) to construct a maximum 10'0" access ramp to the second level of the proposed parking structure within the front yard and

encroaching into the Hotel Circle North right-of-way, on a site at 1660 Hotel Circle North, in Zone CO (FPF), in the Mission Valley Community Plan area. The subject property is further described as Parcel 2, Parcel Map PM-3058. (Case C-19299. District-5.)

Adoption of a Resolution granting or denying the appeal and the variance, with appropriate findings to support Council action.

19870519

FILE LOCATION: ZONE - Zoning Appeals Case C-19299

COUNCIL ACTION: (Tape location: E010-028.)

Hearing began at 2:18 p.m. and halted at 2:19 p.m.

MOTION BY STRUIKSMA TO CLOSE THE HEARING AND GRANT THE APPEAL AND VARIANCE. Second by McColl. Passed by the following vote:

Wolfsheimer-yea, Cleator-not present, McColl-yea, Jones-not present, Struiksma-yea, Gotch-yea, McCarty-not present, Ballesteros-not present, Mayor O'Connor-yea.

ITEM-S500: (R-87-2376) ADOPTED AS RESOLUTION R-268370

Authorizing the City Manager to accept from Mission Valley Ltd. a 30-year Irrevocable Offer to grant to the City of San Diego an easement for air rights in the area of the potential future location of the Via Las Cumbres interchange overpass in Mission Valley.

(Mission Valley Community Area. District-5.)

NOTE: See Item 340 on the regular docket of Tuesday, May 19, 1987 for a companion item.

FILE LOCATION: ZONE - Zoning Appeals Case C-19299

COUNCIL ACTION: (Tape location: E010-028.)

MOTION BY STRUIKSMA TO ADOPT. Second by McColl. Passed by the following vote: Wolfsheimer-yea, Cleator-not present, McColl-yea, Jones-not present, Struiksma-yea, Gotch-yea, McCarty-not present, Ballesteros-not present, Mayor O'Connor-yea.

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ADJOURNMENT:

By common consent the meeting was adjourned by Chairperson
Struiksma at 6:00 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: J202).